

AMENDED IN SENATE MARCH 11, 2013

SENATE BILL

No. 188

Introduced by Senator Liu

February 6, 2013

An act to amend Sections 4019.2, 4101, 4102, 4103, 4104, 4105, 4108, 4109, 4110, 4111, 4112, 4121, 4129, 4130, 4131, 4131.5, 4133, 4134, 4135, 4136, and 4137 of the Penal Code, and to amend Sections 4951, 4952, 4953, 4956, and 4957 of, and to add Section 4959 to, the Public Resources Code, relating to conservation camps.

LEGISLATIVE COUNSEL'S DIGEST

SB 188, as amended, Liu. Conservation camps: county-operated camps.

Existing law establishes the California Conservation Camp program to provide for the training and use of the inmates and wards assigned to conservation camps in the furtherance of public conservation. Existing law requires the Department of Forestry and Fire Protection to use inmates and wards assigned to conservation camps for fire prevention, fire control, and other work of the department, and authorizes the department to enter into contracts or cooperative agreements with a public agency, local, state, or federal, or with a qualified nonprofit organization that has a demonstrated ability to plan, implement, and complete a conservation project, and that meets specified criteria as determined by the department, for the performance of other conservation projects that are appropriate for those public agencies or that nonprofit organization under policies that are required to be established by the Prison Industry Authority.

This bill would ~~instead require that the Department of Corrections and Rehabilitation utilize inmates and wards assigned to conservation~~

~~camps in performing fire prevention, fire control, and other work of the Department of Forestry and Fire Protection, and would authorize the department and the Department of Corrections and Rehabilitation to enter into contracts and cooperative agreements for the performance of these conservation projects, as prescribed. The bill would also authorize a county sheriff or the director of the county department of corrections to utilize inmates assigned to county conservation camps in performing fire prevention, fire suppression and control, and other work as may be assigned by the sheriff or the director of the county department of corrections.~~

Existing law authorizes the establishment in each county of an industrial farm or industrial road camp in which prisoners are held in custody and required to work on the farm or camp, and prescribes procedures for the adoption of a resolution by a county board of supervisors before establishing such an industrial farm or road camp. Existing law authorizes the legislative body of any incorporated city to avail itself of the use of the industrial farm or road camp upon adoption of a resolution and subject to reimbursing the county for the care of the city's prisoners.

This bill would additionally authorize the establishment in each county of a conservation camp, as defined. The bill would permit an industrial farm, industrial road camp, or conservation camp to be operated by the sheriff or the director of the county department of corrections who would be required to establish administrative rules consistent with the rules of the jail, or to be operated as an entity separate from the county jail administered by a superintendent subject to administrative rules adopted by the board of supervisors. The bill would make existing statutory provisions that govern the administration and operation of an industrial farm or industrial road camp also applicable to a conservation camp. The bill would also authorize a county to establish conservation camps for women prisoners in accordance with prescribed requirements.

Existing law specifies that any inmate sentenced to county jail who is assigned to a conservation camp by a sheriff and who is eligible to earn one day of credit for every one day of incarceration shall instead earn 2 days of credit for every one day of service.

This bill would make these provisions governing incarceration credits applicable instead to any inmate sentenced to a county jail who is assigned to a state- or county-operated conservation camp by a sheriff or the director of the county department of corrections.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4019.2 of the Penal Code is amended to
2 read:

3 4019.2. (a) Notwithstanding any other law, an inmate
4 sentenced to county jail who is assigned to a state- or
5 county-operated conservation camp by a sheriff *or the director of*
6 *the county department of corrections* and who is eligible to earn
7 one day of credit for every one day of incarceration pursuant to
8 Section 4019 shall instead earn two days of credit for every one
9 day of service.

10 (b) Notwithstanding any other law, an inmate who has completed
11 training for assignment to a conservation camp or to a state or
12 county facility as an inmate firefighter or who is assigned to a
13 county or state correctional institution as an inmate firefighter and
14 who is eligible to earn one day of credit for every one day of
15 incarceration pursuant to Section 4019 shall instead earn two days
16 of credit for every one day served in that assignment or after
17 completing that training.

18 (c) In addition to credits granted pursuant to subdivision (a) or
19 (b), inmates who have successfully completed training for
20 firefighter assignments shall receive a credit reduction from his or
21 her term of confinement.

22 (d) The credits authorized in subdivisions (b) and (c) shall only
23 apply to inmates who are eligible after October 1, 2011.

24 SEC. 2. Section 4101 of the Penal Code is amended to read:

25 4101. In each county an industrial farm, industrial road camp,
26 or conservation camp may be established under this article.

27 SEC. 3. Section 4102 of the Penal Code is amended to read:

28 4102. Before establishing an industrial farm, industrial road
29 camp, or conservation camp in a county, the board of supervisors
30 of the county shall adopt a resolution of its intention so to do. The
31 resolution shall state an amount per person per day for which
32 persons from incorporated cities will be maintained on an industrial
33 farm, industrial road camp, or conservation camp. Certified copies
34 of the resolution shall be forwarded by the clerk of the board of
35 supervisors to the clerks of all incorporated cities within the county.

1 SEC. 4. Section 4103 of the Penal Code is amended to read:

2 4103. (a) Upon receipt of the resolution as provided in Section
3 4102, the legislative body of any incorporated city wishing to avail
4 itself of the use of a proposed industrial farm, industrial road camp,
5 or conservation camp shall adopt a resolution setting forth the
6 following matters:

7 (1) The number of persons sentenced to imprisonment in the
8 jail of that city during the fiscal year last preceding the adoption
9 of the resolution of intention by the board of supervisors.

10 (2) The total number of days for which all persons were
11 imprisoned in the jail of the city during that fiscal year.

12 (3) A declaration of the desire of the city adopting the resolution
13 to have the prisoners of the city cared for by the county at the
14 industrial farm, industrial road camp, or conservation camp and
15 of the agreement of the city to pay the county quarterly for the
16 care of the prisoners of the city at the rate set forth in the resolution
17 of intention.

18 (b) A certified copy of the resolution provided for in this section
19 shall be forwarded to the clerk of the board of supervisors.

20 SEC. 5. Section 4104 of the Penal Code is amended to read:

21 4104. A board of supervisors that has adopted a resolution of
22 intention to establish an industrial farm, industrial road camp, or
23 conservation camp shall ascertain and enter in its minutes the
24 following facts:

25 (a) The number of persons sentenced to imprisonment in the
26 county jail during the fiscal year last preceding the adoption of the
27 resolution of intention.

28 (b) The total number of days for which all persons were
29 imprisoned in the county jail during that fiscal year.

30 (c) The number of persons sentenced from the superior court
31 of the county to any state prison upon conviction of a violation of
32 Section 270 or Section 270a during that fiscal year.

33 (d) The total number of days for which all persons sentenced
34 to state prison as described in subdivision (c) were imprisoned in
35 state prison during that fiscal year.

36 SEC. 6. Section 4105 of the Penal Code is amended to read:

37 4105. Upon ascertaining the facts provided for in Sections
38 4102 to 4104, inclusive, the board of supervisors may proceed to
39 establish an industrial farm, industrial road camp, or conservation
40 camp. The farm or camp may be established as part of the county

1 jail, and, if established, shall be operated by the sheriff or director
2 of the county department of corrections, or as an entity separate
3 from the county jail.

4 SEC. 7. Section 4108 of the Penal Code is amended to read:

5 4108. In a county in which an industrial farm, industrial road
6 camp, or conservation camp is established as an entity separate
7 from the county jail, the board of supervisors shall employ a
8 superintendent of that farm or camp and any other subordinate
9 persons as may be necessary for the proper administration of the
10 farm or camp and the keeping of the prisoners assigned to the farm
11 or camp. As part of the compensation to be agreed upon for that
12 superintendent and other persons, board and lodging may be
13 furnished.

14 SEC. 8. Section 4109 of the Penal Code is amended to read:

15 4109. In a county in which the industrial farm, industrial road
16 camp, or conservation camp is made a part of the county jail, the
17 sheriff or director of the county department of corrections shall
18 establish rules governing the administration of the farm or camp
19 consistent with the rules of the jail. In a county in which the farm
20 or camp is established as an entity separate from the county jail,
21 the board shall adopt rules governing the administration of a farm
22 or camp formed under the provisions of this article and discipline
23 at that farm or camp in furtherance of the purposes of this article,
24 which rules shall be enforced by the superintendent and those
25 subordinate to him or her.

26 SEC. 9. Section 4110 of the Penal Code is amended to read:

27 4110. If women are to be assigned to an industrial farm or
28 conservation camp, the board of supervisors establishing it shall
29 provide at the farm or camp for separate quarters for women
30 prisoners, or may establish a separate farm or camp for women
31 prisoners. This section does not impose any requirement upon a
32 county to confine male and female prisoners in the same or an
33 adjoining facility or impose any duty upon a county to establish
34 or maintain programs that involve the joint participation of male
35 and female prisoners.

36 SEC. 10. Section 4111 of the Penal Code is amended to read:

37 4111. If a separate industrial farm or conservation camp for
38 women prisoners is established pursuant to Section 4105, it shall
39 be considered a part of the industrial farm or conservation camp
40 of the county within the meaning of all provisions of this article,

1 except that only women prisoners shall be admitted to it. A woman
2 deputy sheriff, assistant to the director of the county department
3 of corrections, or superintendent of a farm or camp shall be in
4 immediate charge of any farm or camp established for women
5 prisoners only.

6 SEC. 11. Section 4112 of the Penal Code is amended to read:

7 4112. When land has been acquired and those buildings and
8 structures erected and improvements made as may be immediately
9 necessary for the carrying out of the purposes of this article or
10 arrangements have been made for an industrial farm, industrial
11 road camp, or conservation camp, the board of supervisors shall
12 adopt a resolution proclaiming that an industrial farm, industrial
13 road camp, or conservation camp has been established in the county
14 and designating a day on and after which persons will be admitted
15 to that farm or camp. Certified copies of the resolution shall be
16 forwarded by the clerk of the board of supervisors to each superior
17 court judge in the county.

18 SEC. 12. Section 4121 of the Penal Code is amended to read:

19 4121. The cost of establishing and maintaining an industrial
20 farm, industrial road camp, or conservation camp formed under
21 this article shall be paid out of the county general fund. Any
22 revenue derived from the farm or camp, including that received
23 from any city for the care of its prisoners at the farm or camp, shall
24 be paid into the county general fund.

25 SEC. 13. Section 4129 of the Penal Code is amended to read:

26 4129. (a) For the purpose of making the payments designated
27 in this article, the board of supervisors shall, by order, provide the
28 sheriff, director of the county department of corrections, or
29 superintendent with a revolving fund. Upon order of the board of
30 supervisors, the county auditor shall draw a warrant in favor of
31 the sheriff, director of the county department of corrections, or
32 superintendent of an industrial farm, industrial road camp, or
33 conservation camp and the county treasurer shall cash it. Thereafter
34 the superintendent shall receive from the county general fund upon
35 demands supported by receipts all sums paid out by him or her
36 under this section and shall return all sums so received to the
37 revolving fund.

38 (b) Section 29323 of the Government Code is applicable to a
39 revolving fund established pursuant to this section.

40 SEC. 14. Section 4130 of the Penal Code is amended to read:

1 4130. So far as practicable, those in custody on an industrial
2 farm shall be employed in productive labor. The products of an
3 industrial farm shall be used for the following purposes, in order
4 of priority:

5 (a) To maintain the prisoners and employees on that farm.

6 (b) To supply other county institutions in need with the farm's
7 products.

8 (c) To supply other districts and municipal corporations in need
9 within the county with the farm's products.

10 (d) To supply the needs of paupers, incompetents, poor and
11 indigent persons, and those incapacitated by age, disease, or
12 accident with whose relief and support the county is charged.

13 SEC. 15. Section 4131 of the Penal Code is amended to read:

14 4131. Subject to regulations adopted by the board of
15 supervisors, the superintendent, sheriff, or director of the county
16 department of corrections shall maintain discipline at an industrial
17 farm, industrial road camp, or conservation camp. Whenever the
18 superintendent, sheriff, or director of the county department of
19 corrections reports to the county classification committee that
20 assigned a prisoner to an industrial ~~farm~~, *farm*, industrial road
21 camp, or conservation camp that the prisoner refuses to abide by
22 the rules of, or work at, the farm or ~~camp~~, *camp*, the committee
23 may make an order transferring the prisoner to the county jail or
24 city jail for the unexpired term of his or her sentence, and all sums
25 credited to the prisoner shall be forfeited by him or her unless they
26 have been ordered paid to some person dependent upon him or
27 her. Thereafter the committee may reassign the person to the
28 industrial farm, industrial road camp, or conservation camp, upon
29 recommendation of the superintendent, sheriff, or director of the
30 county department of corrections of the farm or camp.

31 SEC. 16. Section 4131.5 of the Penal Code is amended to read:

32 4131.5. Every person confined in, sentenced to, or serving a
33 sentence in a city or county jail, industrial farm, industrial road
34 camp, or conservation camp in this state, who commits a battery
35 upon the person of any individual who is not himself or herself a
36 person confined or sentenced therein, is guilty of a public offense
37 and is punishable by imprisonment pursuant to subdivision (h) of
38 Section 1170, or in a county jail for not more than one year.

39 SEC. 17. Section 4133 of the Penal Code is amended to read:

1 4133. The boundary of every industrial farm, industrial road
2 camp, or conservation camp established under this article shall be
3 marked by a fence, a hedge, or some other visible line. Every
4 person confined at a farm or camp who escapes or attempts to
5 escape from that farm or camp shall upon conviction be imprisoned
6 in the state prison or a county jail, or assigned to an industrial farm,
7 industrial road camp, or conservation camp for not to exceed one
8 year. This imprisonment or assignment shall begin at the expiration
9 of the imprisonment or assignment in effect at the time of the
10 escape.

11 SEC. 18. Section 4134 of the Penal Code is amended to read:

12 4134. A board of supervisors that has established or desires to
13 establish an industrial farm, industrial road camp, or conservation
14 camp may at any time appoint an advisory board to consist of not
15 less than three nor more than five persons, one member of which
16 shall be a penologist and one member a physician.

17 SEC. 19. Section 4135 of the Penal Code is amended to read:

18 4135. The advisory board shall acquaint itself with the conduct
19 of the jails in the county, keep itself informed about the
20 administration of the industrial farm, industrial road camp, or
21 conservation camp and report its recommendations and suggestions
22 to the board of supervisors. It may visit any jail within the county,
23 examine the records thereof, and ascertain whether or not there
24 are any persons illegally committed to or detained at any jail.

25 The advisory board shall encourage recreational and educational
26 activities on the farm or camp.

27 SEC. 20. Section 4136 of the Penal Code is amended to read:

28 4136. Sections 4011, 4011.5, 4011.6, and 4011.7 are applicable
29 to county industrial farms, county industrial road camps, joint
30 county road camps, and conservation camps established pursuant
31 to this chapter.

32 SEC. 21. Section 4137 of the Penal Code is amended to read:

33 4137. The board of supervisors of any county in which a county
34 industrial farm, industrial road camp, conservation camp, or honor
35 camp has been established may, by ordinance, authorize the sheriff
36 or any such person responsible to the board for the care, treatment,
37 and custody of prisoners assigned to him or her as sentenced
38 misdemeanants or felons, serving time as a condition of probation,
39 to remove those prisoners from the facility to which they have
40 been assigned under custody, without court order, for purposes

1 such as: private medical, vision, or dental care, psychological care,
2 vocational services, educational services, and funerals.

3 SEC. 22. Section 4951 of the Public Resources Code is
4 amended to read:

5 4951. (a) In enacting this chapter, it is the purpose of the
6 Legislature to declare the existence of California Conservation
7 Camp programs, which include state and county conservation camp
8 programs, to provide for the training and use of the inmates and
9 wards assigned to conservation camps in the furtherance of public
10 conservation.

11 (b) It is the policy of this state to require the inmates and wards
12 assigned to conservation camps to perform public conservation
13 projects, including, but not limited to, forest and brush fire
14 prevention and control, forest, brush, and watershed management,
15 recreation, fish and game management, soil conservation, and
16 forest and watershed revegetation.

17 (c) In order to effect the maximum possible conservation and
18 development of natural resources for the benefit of the people of
19 this state, whenever reasonably possible, conservation projects of
20 a multiple purpose nature shall be undertaken by the California
21 Conservation Camp programs. The various agencies concerned
22 with conservation projects shall consult and advise with each other
23 to promote these multiple-purpose conservation projects and in
24 order to achieve this goal may enter into those contracts as may
25 be necessary.

26 (d) This chapter does not require a county to create or participate
27 in a county conservation camp program.

28 SEC. 23. Section 4952 of the Public Resources Code is
29 amended to read:

30 4952. As used in this chapter, “California Conservation Camps”
31 or “camps” means any camps now or hereafter established, as
32 provided by law, for the purpose of receiving prisoners committed
33 to the custody of the Secretary of the Department of Corrections
34 and Rehabilitation~~or~~, the sheriff, *or the director of the county*
35 *department of corrections* and in which the work projects
36 performed by the inmates or wards are supervised by employees
37 of either the Department of Corrections and Rehabilitation, the
38 board of supervisors, the sheriff, or the director of the county
39 corrections department in a county participating in the operation
40 of or operating a conservation camp program.

1 SEC. 24. Section 4953 of the Public Resources Code is
2 amended to read:

3 4953. (a) ~~The Department of Corrections and Rehabilitation~~
4 *department* shall utilize inmates and wards assigned to conservation
5 camps in performing fire prevention, fire control, and other work
6 of the department. At times it deems proper and on terms it deems
7 wise, the *department and the* Department of Corrections and
8 Rehabilitation may enter into contracts or cooperative agreements
9 with a public agency, local, state, or federal, or with a qualified
10 nonprofit organization that has a demonstrated ability to plan,
11 implement, and complete a conservation project and meets other
12 criteria, as determined by the department, for the performance of
13 other conservation projects that are appropriate for those public
14 agencies or that nonprofit organization under policies that shall be
15 established by the Prison Industry Authority. The charge for the
16 service shall be determined by the Secretary of the Department of
17 Corrections and Rehabilitation. All these contracts are subject to
18 the approval of the director and the Director of General Services.

19 (b) For the purposes of this section, “nonprofit organization”
20 means any California corporation exempt from taxation under
21 Section 501(c)(3), 501(c)(4), or 501(c)(5) of the federal Internal
22 Revenue Code.

23 SEC. 25. Section 4956 of the Public Resources Code is
24 amended to read:

25 4956. (a) The conditions of work to be performed under
26 contracts or agreements entered into pursuant to Section 4953 shall
27 be consistent with the requirements, as determined by the Secretary
28 of the Department of Corrections and Rehabilitation, for
29 maintaining control of inmates or wards committed to his or her
30 respective custody.

31 (b) A county sheriff *or the director of the county department of*
32 *corrections* may utilize inmates assigned to county conservation
33 camps in performing fire prevention, fire suppression and control,
34 and other work as may be assigned by the sheriff *or the director*
35 *of the county department of corrections*.

36 SEC. 26. Section 4957 of the Public Resources Code is
37 amended to read:

38 4957. (a) Conservation camp inmates and wards may be
39 utilized in the rescue of lost or injured persons, the saving of life,
40 and the protection of property. The Department of Corrections and

1 Rehabilitation~~or~~, a county sheriff, *or the director of the county*
2 *department of corrections* may cooperate with local agencies of
3 government to accomplish these purposes.

4 (b) The Department of Corrections and Rehabilitation~~or~~, a
5 county sheriff, *or the director of the county department of*
6 *corrections* may also, upon the request of the appropriate local
7 agency, utilize conservation camp inmates and wards in the
8 performance of watershed revegetation and related work necessary
9 to prevent flood damage to land resulting from the destruction of
10 vegetation by fire.

11 SEC. 27. Section 4959 is added to the Public Resources Code,
12 to read:

13 4959. Conservation camp inmates or wards assigned to a
14 California Conservation Camp that is operated by the state or that
15 is a county-operated conservation camp under the direction of the
16 county sheriff *or the director of the county department of*
17 *corrections* shall be required to comply with the requirements of
18 Section 4019.2 of the Penal Code.